

Annex – changes not subject to consultation

Changes made to guidelines and supporting materials on 6 August 2026 to correct errors, or to reflect changes in legislation

1. Amendments to section 133 of the MCA have made changes to the maximum aggregate sentence which magistrates' courts can impose. The maximum aggregate sentence for more than one summary offence is the highest maximum of a **single** offence which is not necessarily six months. The following guidelines have been amended to reflect this:

[Reduction in sentence for a guilty plea guideline](#) at E2

[Sentencing children and young people](#) at 5.13

Previous wording	New wording
When dealing with more than one summary offence, the aggregate sentence is limited to a maximum of six months. Allowing for a reduction for each guilty plea, consecutive sentences might result in the imposition of the maximum six month sentence. Where this is the case, the court may make a modest additional reduction to the overall sentence to reflect the benefits derived from the guilty pleas.	When dealing with more than one summary offence, the aggregate sentence is limited to a maximum of six months (or the highest maximum of a single offence if lower). Allowing for a reduction for each guilty plea, consecutive sentences might result in the imposition of the maximum aggregate sentence. Where this is the case, the court may make a modest additional reduction to the overall sentence to reflect the benefits derived from the guilty plea.

2. [Section 282\(3\) of the Criminal Justice Act 2003](#) as amended by section [13\(5\)\(b\) of the Judicial Review and Courts Act 2022](#) states that the maximum sentence that applies to any offence that is triable either way and is punishable with imprisonment (and in not listed in [Sch1 to the Magistrates' Courts Act 1980](#)) is a term not exceeding the general limit in magistrates' courts.

Any reference in guidelines to a maximum sentence of less than 12 months in magistrates' courts for an either way offence is therefore incorrect.

The following guidelines have been amended to remove the reference to a lower maximum in magistrates' courts:

Possession of a controlled drug

Previous wording	New wording
Class B Maximum: 5 years' custody Maximum when tried summarily: 3 months' custody or level 4 fine Offence range: Discharge – 26 weeks' custody Class C Maximum: 2 years' custody Maximum when tried summarily: 3 months' custody or level 3 fine Offence range: Discharge – Medium community order	Class B Maximum: 5 years' custody Maximum when tried summarily: 12 months' custody or level 4 fine Offence range: Discharge – 26 weeks' custody Class C Maximum: 2 years' custody Maximum when tried summarily: 12 months' custody or level 3 fine Offence range: Discharge – Medium community order
(Asterisked note in sentence table) * When heard summarily, the maximum penalty is 12 weeks' custody	

Permitting premises to be used

Previous wording	New wording
(Asterisked note in class C sentence table) * When heard summarily, the maximum penalty is 12 weeks' custody	

Inflicting grievous bodily harm/ Unlawful wounding/ Racially or religiously aggravated GBH/ Unlawful wounding

Assault occasioning actual bodily harm / Racially or religiously aggravated ABH

Previous wording	New wording
(at step 3) Maximum sentence for the aggravated offence on indictment is 7 years' custody (maximum when tried summarily is 6 months' custody)	Maximum sentence for the aggravated offence is 7 years' custody

Harassment/ Stalking/ Racially or religiously aggravated harassment/stalking

Previous wording	New wording
(at step 3) Maximum sentence for the aggravated offence on indictment is 2 years' custody (maximum for the basic offence is 6 months' custody)	Maximum sentence for the aggravated offence 2 years' custody

3. When the [guidance on totting and exceptional hardship](#) was last updated, the following paragraph from the previous version was omitted in error. This has now been restored.

If the offender has 12 or more points the court must order the offender to be disqualified for not less than the minimum period unless the court is satisfied, having regard to all the circumstances that there are grounds for mitigating the normal consequences of the conviction and thinks fit to order him to be disqualified for a shorter period or not to order him to be disqualified – s.35(1) RTOA 1988

4. The ancillary orders guidance on Confiscation has been updated to reflect the repeal of s15 of the Proceeds of Crime Act 2002 and the new section 15A

Previous wording	New wording
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4. If postponing confiscation, the court must adjourn all other financial orders, including compensation, costs and a fine (see section 15 of POCA). Confiscation must be dealt with before, and taken into account when assessing, any other fine or financial order (except compensation and trafficking reparation order (STRO) or unlawful profit order (UPO)). If the court makes both a confiscation order and an order for compensation (or STRO or UPO) and the court believes the offender will not have sufficient means to satisfy both orders in full, the court must direct that the compensation be paid out of sums recovered under the confiscation order. (See section 13 of POCA)	4. If sentencing before proceeding with a confiscation under section 6 the court must not, at the sentencing stage: • Impose a fine • Make an order falling within section 13(3)(a) of POCA 2002 • Make an order falling within section 13(3)(b), (c) or (d), other than such an order in respect of property that has little or no market value at the time of sentencing • Make a compensation order under Chapter 2 of Part 7 of the Sentencing Code. • Make an order for the payment of a surcharge under section 42 of the Sentencing Code • Make an unlawful profit order under section 4 of the Prevention of Social Housing Fraud Act 2013 After the conclusion of the confiscation proceedings, the court may vary the sentence to impose a fine or make any of the orders mentioned above, but only within the period of 56 days beginning with the day on which the court makes a confiscation order or decides not to make one. (see sections 13 and 15A of POCA 2002)
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Finding of domestic abuse

Changes to be made to guidelines on 5 October 2026

On 5 October 2026 Section 6(1) of the Sentencing Act 2026 will come into force which inserts section 56A into the Sentencing Code:

(1) This section applies if—

(a) a court is passing sentence for an offence, and

(b) the court is of the view that the offence involved domestic abuse carried out by the offender.

(2) The court must, in open court, state that in its view the offence involved domestic abuse carried out by the offender.

(3) This section is without prejudice to any duty imposed on the court by section 59 or 60 to follow sentencing guidelines in dealing with the offender for the offence.

(4) In this section “domestic abuse” has the same meaning as in the Domestic Abuse Act 2021 (see sections 1 and 2 of that Act).”

The following amendments will be made to guidelines (additional text underlined):

1. Amend the Reasons step in all guidelines to read:

Step 7 - Reasons

[Section 52](#) of the Sentencing Code imposes a duty to give reasons for, and explain the effect of, the sentence.

Section 56A of the Sentencing Code imposes a duty on a court passing sentence for an offence which in the view of the court involved domestic abuse carried out by the offender, to state in open court that in its view the offence involved domestic abuse carried out by the offender. Domestic abuse has the same meaning as in sections 1 and 2 of the Domestic Abuse Act 2021.

2. Where a guideline has a domestic abuse aggravating factor, amend the dropdown to read:

Refer to the [Domestic abuse - overarching principles](#) guideline

If a court is passing sentence for an offence, and the court is of the view that the offence involved domestic abuse carried out by the offender, the court must, in open court, state that in its view the offence involved domestic abuse carried out by the offender. Domestic abuse has the same meaning as in sections 1 and 2 of the Domestic Abuse Act 2021.

3. Where a guideline refers to the Domestic abuse overarching guideline at the start of the guideline, include a reference to the Reasons step. For example, in Threats to kill:

Triable either way

Maximum: 10 years' custody

Offence range: Community order – 7 years' custody

This is a specified offence for the purposes of sections 266 and 279 (extended sentence for certain violent, sexual or terrorism offences) of the Sentencing Code.

Where offence committed in a domestic abuse context, also refer to Domestic abuse - overarching principles and step 8 of this guideline.

4. In the Domestic abuse overarching principles guideline amend paragraph 2 to read:

2. This guideline applies (but is not limited) to cases which fall within the statutory definition of domestic abuse as defined by Part 1 of the Domestic Abuse Act 2021. In summary domestic abuse is defined for the purposes of that Act as:

Behaviour (whether a single act or a course of conduct) consisting of one or more of:

- physical or sexual abuse;
- violent or threatening behaviour;
- controlling or coercive behaviour;
- economic abuse (any behaviour that has a substantial adverse effect on the victim's ability to acquire, use or maintain money or other property, or obtain goods or services);
- psychological, emotional or other abuse

between those aged 16 or over:

- who are, or have been married to or civil partners of each other;
- who have agreed to marry or enter into a civil partnership agreement one another (whether or not the agreement has been terminated);
- who are, or have been, in an intimate personal relationship with each other;
- who each have, or have had, a parental relationship in relation to the same child; or
- who are relatives.

This definition applies whether the behaviour is directed to the victim or directed at another person (for example, the victim's child). A victim of domestic abuse can include a child who sees or hears, or experiences the effects of, the abuse, and is related to the primary victim or offender.

If a court is passing sentence for an offence, and the court is of the view that the offence involved domestic abuse carried out by the offender (as defined above), the court must, in open court, state that in its view the offence involved domestic abuse carried out by the offender (section 56A of the Sentencing Code).